

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL RANDOLPH,	:	CIVIL ACTION NO. 1:06-CV-901
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN E. WETZEL, Secretary, Pennsylvania Department of Corrections; JAMIE SORBER, Superintendent of the State Correctional Institution at Phoenix; and MARK GARMAN, Superintendent of the State Correctional Institution at Rockview,¹	:	THIS IS A CAPITAL CASE
	:	
Respondents	:	

ORDER

AND NOW, this 27th day of May, 2020, upon consideration of the amended application (Doc. 182) for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by petitioner Samuel Randolph, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Randolph's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is GRANTED with respect to Claim III regarding unlawful denial of his Sixth Amendment right to counsel of choice, as clarified in the accompanying memorandum.
2. Randolph's convictions and sentences—including his capital convictions and sentences—in the Court of Common Pleas of Dauphin County, Pennsylvania, Criminal Division, Nos. CP-22-CR-1220-2002, CP-22-CR-1374-2002, CP-22-CR-1746-2002 are VACATED.

¹ Over the course of this habeas litigation, the appropriate respondents have varied due to changes in petitioner's place of confinement and appointment of new state officials. Pursuant to Federal Rule of Civil Procedure 25, we substitute the proper respondents as of today's date. See FED. R. CIV. P. 25(d).

3. The execution of the writ of habeas corpus is STAYED for **ninety (90) days from the date of this order**, during which time the Commonwealth of Pennsylvania may afford Randolph a new trial. In the event of an appeal by either party, execution of the writ is stayed for a period of thirty (30) days after final disposition of the appeal.
4. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2254 Rule 11(a).
5. The Clerk of Court is directed to administratively CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania